

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARIA L. MEJIA RUIZ,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

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Civil Action No. 3:22-cv-2266

DEFENDANT’S NOTICE OF REMOVAL AND BRIEF IN SUPPORT

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Defendant **HOME DEPOT U.S.A., INC.** (“Defendant” or “The Home Depot”), and files this Notice of Removal under 28 U.S.C. § 1332 and Brief in Support:

I.

STATEMENT OF GROUNDS FOR REMOVAL

1. On August 31, 2022, Plaintiff filed this lawsuit in the County Court at Law No. 2 of Dallas County, Texas as Cause No. CC-22-04845-B, styled “*Maria L. Mejia Ruiz v. Home Depot U.S.A., Inc.*” A true and correct copy of the Original Petition is attached as Exhibit “A-2.”

2. Plaintiff sued The Home Depot alleging negligence arising out of a workplace injury suffered by Plaintiff during the course and scope of her employment.

3. Defendant was served on September 12, 2022. Defendant files this Removal within 30 days after service and the receipt of the Original Petition, as required by 28 U.S.C. § 1446(b)(1). Prior to removal, The Home Depot filed its Answer on September 29, 2022, in the state court action, a true and correct copy of which is attached hereto as Exhibit “A-5.”

4. The state court action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and may be removed to this Court pursuant to 28 U.S.C. § 1332 because there is complete diversity between the parties. 28 U.S.C. § 1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. § 1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006).

5. Defendant denies Plaintiff's claims.

6. As required by 28 U.S.C. § 1446(a), true and correct copies of the following documents are being filed with this Notice of Removal and are incorporated herein at length:

<u>Exhibit:</u>	<u>Description of Exhibit:</u>
Exhibit "A"	Index of Pleadings;
Exhibit "A-1"	State Court Docket Sheet;
Exhibit "A-2"	Plaintiff's Original Petition;
Exhibit "A-3"	Citation;
Exhibit "A-4"	Return of Service for Defendant;
Exhibit "A-5"	Defendant's Original Answer;
Exhibit "A-6"	Notice of Filing of Notice of Removal (to be filed after this Notice of Removal is filed);
Exhibit "B"	Notice of Related Case

II.
DIVERSITY OF CITIZENSHIP

7. Plaintiff is an individual residing in and a citizen of the State of Texas. Ex. "A-2."

¶ 2.1.

8. Defendant is a foreign corporation organized under the laws of Delaware and has its principal place of business in Fulton County, Georgia. Accordingly, Defendant has, at all relevant times, been a citizen of Delaware and Georgia.

9. Plaintiff is a citizen of Texas; The Home Depot is a citizen of Delaware and Georgia. Thus, at both the time of filing the original action in state court and at the time of this removal, complete diversity of citizenship has existed among the parties. Removal is proper. 28 U.S.C. § 1332(a).

III.

AMOUNT IN CONTROVERSY

10. Defendant would show that the Court has diversity jurisdiction over this matter as there is complete diversity of citizenship between the parties and the monetary relief sought by Plaintiff exceeds the minimum jurisdictional amount of \$75,000.

11. Plaintiff alleges in her Original Petition that she seeks “monetary relief in a sum greater than \$1,000,000.” Ex. “A-2,” ¶ 1.1.

12. Plaintiff is seeking damages for reasonable medical care and expenses in the past and future, physical pain in the past and future, mental anguish in the past and future, loss of earnings in the past and future, past and future physical impairment, and past and future physical disfigurement. *Id.* at ¶ 7.1.

IV.

PROCEDURAL REQUIREMENTS FOR REMOVAL

13. Pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal is timely as it is being filed no more than thirty (30) days after service.

14. The United States District Court for the Northern District of Texas encompasses Dallas County, the count in which the State Court Proceeding is now pending. Therefore, venue in this Court is proper pursuant to 28 U.S.C. § 1441(a).

15. There are no other proper defendants to this action that would destroy diversity.

16. In accordance with 28 U.S.C. § 1446(a), filed herewith as Exhibits “A-1” through “A-5” are copies of all process and pleadings from the state court proceedings.

17. Promptly after notice of this removal is filed, written notice hereof will be given to Plaintiff, and a copy of this Notice of Removal will be filed with the Clerk of Court for the County Court at Law No. 2 for Dallas County, Texas, to affect the removal of the civil action to this Honorable Court as provided by law. The Notice of Filing of Notice of Removal to be filed in the State Court Proceeding is attached hereto as Exhibit “A-6.”

18. The Home Depot specifically reserves the right to amend to supplement this Notice of Removal.

19. By virtue of this removal, Defendant does not waive its rights to assert any jurisdictional defenses or other defenses or motions, including motions pursuant to Rules 9 and 12 of the Federal Rules of Civil Procedure.

V.
JURY DEMAND

20. Plaintiff demanded a jury in the state court action.

WHEREFORE, PREMISES CONSIDERED, Defendant HOME DEPOT U.S.A., INC. prays the Court remove the case styled “*Maria L. Mejia Ruiz v. Home Depot U.S.A., Inc.*” bearing Cause No. CC-22-04845-B, pending in the County Court at Law No. 2 in Dallas County, Texas, to the United States District Court, Northern District of Texas, Dallas Division, and for such other and further relief to which it is entitled.

Respectfully Submitted,

/s/ Chad L. Farrar

By: Chad L. Farrar

MULLIN HOARD & BROWN, L.L.P.
Chad L. Farrar, Texas Bar No. 00793716
C. Brett Stecklein, Texas Bar No. 00794688
Katie P. Harrison, Texas Bar No. 24062767
2515 McKinney Ave., Suite 900
Dallas, Texas 75201
Telephone: (214) 754-0040
Facsimile: (214) 754-0043
cfarrar@mhba.com
bstecklein@mhba.com
kharrison@mhba.com

Attorneys for Defendant Home Depot U.S.A., Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 10th day of October 2022, a true and correct copy of the foregoing was served by email and ECF addressed to:

Via ECF & email

Eric H. Marye
The Marye Law Firm, P.C.
2619 Hibernia Street
Dallas, Texas 75204
emarye@maryelaw.com
service@maryelaw.com

/s/ Chad L. Farrar

Chad L. Farrar